

MUNICIPAL CLERK
ATLANTA, GEORGIA

04-R-0580

A RESOLUTION

BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **United Services Automobile Association, as subrogee of Donald N. Myers** in the sum of **\$5,430.48** settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a **result of an automobile accident on January 5, 2004 at Boulevard, NE and Freedom Parkway, NE** as set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

ADOPTED by the Council
APPROVED by the Mayor

April 19, 2004
April 27, 2004

RCS# 5585
4/19/04
3:03 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S) 1-18, EXCEPT:04-R-0538
 04-O-0487 04-R-0473
 ADOPT

YEAS:	14
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

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DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0067

Date: March 16, 2004

Claimant /Victim UNITED SERVICES AUTOMOTIVE ASSOCIATION as subrogee of Donald N. Myers

BY: (Atty) (Ins. Co.) _____

Address: 9800 Fredericksburg Road San Antonio, Texas 78288

Subrogation: X Claim for Property damage \$ 5,430.48 Bodily Injury \$ _____

Date of Notice: 01/27/04 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 01/05/04 Place: Boulevard, NE and Freedom Parkway, NE

Department Police Services Bureau: _____ Division: _____

Employee involved Carmen Wood Disciplinary Action: No Action Taken

NATURE OF CLAIM: The driver of a city vehicle failed to yield right-of-way while making a left turn striking the claimant's vehicle causing damages in the above amount.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures X Diagrams _____ Reports: Police X Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

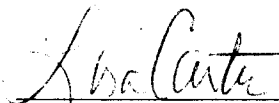
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ 5,430.48 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 03/17/04

Committee Action: _____ Council Action _____



UNITED SERVICES AUTOMOBILE ASSOCIATION
9800 Fredericksburg Road, San Antonio, TX 78288

Carter
01/27/04
[Signature]

ENTERED - 2-2-04 - SB
04L0067 - LISA CARTER

SHERRY
DONALD N. MYERS
LCDR USN (RET)
401 CHAMBERS HBS
PEACHTREE CITY, GA 30269-4247

January 5, 2004

Policyholder: Donald N. Myers
Reference Number: 2093204-7113-12-7953
Date Of Loss: January 5, 2004
Loss Location: Atlanta, Georgia

SHERRY:

Per our conversation, here is a brief recap of what happened on January 5, 2004.

Our insured, Donald Myers was headed east bound on Freedom Parkway traveling in the left lane to continue going straight. As he was approaching the intersection of Boulevard and Freedom Parkway, he noticed he had a green light. He proceeded to go through the intersection.

The police vehicle was headed west bound on Freedom Parkway. When the police vehicle reached the intersection of Boulevard, it attempted to make a left turn. The police vehicle did not have any emergency lights on when it turned left in front of Donald Myers' vehicle. Donald Myers states he had no time to stop, and that is when he struck the right side of the police car with the front end of his vehicle.

Donald Myers stated that Officer Overmeyer came to the scene and wrote up a report. Officer Overmeyer advised Mr. Myers that although citations were being issued, the police car clearly failed to yield the right of way.

I hope this is the information you needed to begin your investigation. Please let me know if you need anything further.

Sincerely,



Lynn P. Heston
Senior Claims Representative
Southeast Regional Office
Phone: 1-800-831-8222 x43053
Fax Phone: 800-541-7958

CERTIFIED
APR 19 2004
Frank Douglas Johnson
MUNICIPAL CLERK

Entered - 02/02/04 - sb
CL - 04L0067 - LISA CARTER

**CLAIM OF: UNITED SERVICES AUTOMOBILE
ASSOCIATION, as subrogee of
Donald N. Myers
9800 Fredericksburg Road
San Antonio, Texas 78288**

04- R -0580

For damages alleged to have been sustained as a result of an automobile accident on January 5, 2004 at Boulevard, NE and Freedom Parkway, NE.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **UNITED SERVICES AUTOMOBILE ASSOCIATION, as subrogee of Donald N. Myers** the sum of **\$5,430.48** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of an automobile accident on January 5, 2004 at Boulevard, NE and Freedom Parkway, NE as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001.

**ADOPTED BY
APR 19 2004
COUNCIL**

CERTIFIED
APR 19 2004
COUNCIL PRESIDENT PROTEM

**APPROVED: LINDA K. DISANTIS
CITY ATTORNEY**

BY: _____

FAVORABLE REPORT
JERRY H. HATCH
DEPUTY CITY ATTORNEY

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 3/30/04

CHAIR: H. H. Hatch

Clint Long

Alvin Smith

Linda K. Disantis

John H. Johnson

APPROVED
Shirley Franklin
APR 27 2004
MAYOR